

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTONIO A. ASH,)	
)	
Plaintiff,)	
)	
v.)	CIV-14-904-R
)	
P. HAUNGS, DENIS ALSTON,)	
GEO CORRECTIONS,)	
)	
Defendants.)	

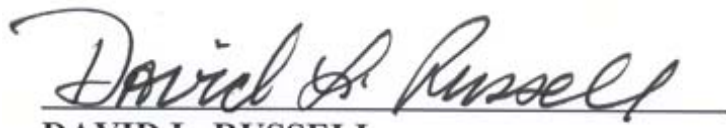
ORDER

Plaintiff originally filed this action seeking relief pursuant to 42 U.S.C. § 1983. The Court dismissed the case on December 2, 2014, adopting the Report and Recommendation of Magistrate Judge Gary Purcell wherein he recommended dismissal of certain claims because they were cognizable under § 2241 rather than § 1983, and further the claims against the individual Defendants failed to allege sufficient personal participation to state a claim. The Court *sua sponte* granted Plaintiff the opportunity to file an amended complaint. Plaintiff has taken advantage of the Court's leave, however, he now seeks to proceed pursuant to 28 U.S.C. § 2241, as suggested by Magistrate Judge Purcell and the undersigned, and as a result, he also seeks leave to proceed *in forma pauperis* on a § 2241, rather than § 1983, a request with significant financial implications.¹ Because of the disparity in filing fees between a § 1983 and a § 2241, the Court hereby vacates Judge Purcell's prior order granting

¹ Mr. Ash utilized the assigned case number on both his petition and motion, and therefore the Court has determined he intended to re-characterize his claim rather than file his request for habeas corpus relief as a new case.

Mr. Ash *in forma pauperis* status and ordering that payments be made toward the full \$350.00 filing fee. The Court, however, denies Mr. Ash's current request, because the current balance in his account is sufficient to provide for the \$5.00 filing fee. Mr. Ash shall submit the full \$5.00 filing fee to the Court not later than January 5, 2014. Upon receipt of the filing fee, the matter shall be re-referred to United States Magistrate Judge Gary M. Purcell for preliminary review of the § 2241 petition. Failure to timely submit the filing fee will result in dismissal of the petition without prejudice and without further notice from the Court.

IT IS SO ORDERED this 17th day of December, 2014.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE